United Nations CEDAW/C/CUB/Q/6/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 June 2006
English
Original: Spanish

Committee on the Elimination of Discrimination against Women
Pre-session working group
Thirty-sixth session
7-25 August 2006

Responses to the list of issues and questions for consideration of the combined fifth and sixth periodic report

Cuba*

Combined fifth and sixth periodic report of the Republic of Cuba

Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions with regard to the consideration of periodic reports

Legislation, machinery for the advancement of women and national plans

1. The report indicates that "national legislation is consistent with the treaties, agreements and other international instruments" and that "Compliance with this principle in all pertinent jurisdictional bodies is thus guaranteed" (CEDAW/C/CUB/5-6, para. 57). Please indicate whether the compatibility of national legislation with the Convention on the Elimination of All Forms of Discrimination against Women has been thoroughly reviewed and whether any laws have been found to contravene the principles laid down in the Convention. If the authorities have conducted such a review, please provide the results; if not, please indicate whether they have any plans to do so.

* Issued without formal editing.

06-37940 (E) 120706 170706

The Cuban Government signed the Convention on the Elimination of All Forms of Discrimination against Women in 1979 and ratified it in 1980. At that time, legislation that is consistent with the provisions of the Convention was already in place. Whenever the Government considers signing and/or ratifying an international convention or treaty, the Ministry of Foreign Affairs convenes its legal department's Treaty Coordination Committee, which is staffed by officials of various departments of the Ministry, and representatives of various governmental bodies and political, social and grass-roots organizations whose work relates to the topic in question. The Committee's mandate is to conduct a thorough analysis of the content of the international instrument to be signed and/or ratified and to reconcile it with domestic legislation. The Committee encourages its members to consider the advisability of taking such a step, including its positive and negative implications. The Ministry then submits its final report and recommendations to the Council of State, based on the conclusions of the Treaty Coordination Committee.

Article 12 of the Constitution establishes the fundamental principle that Cuba's international relations are founded, inter alia, on "the principles proclaimed in the Charter of the United Nations and the other international treaties to which Cuba is a party". Article 20 of Law No. 59 of 16 July 1987, the Civil Code, provides that "if an international agreement or treaty to which Cuba is a party establishes rules that differ from those enshrined in pre-existing provisions, or for which there is no provision in domestic law, the rules in that agreement or treaty shall apply". Domestic legislation contains provisions that specifically regulate such cases and, as stated, once the country has ratified an international instrument, it becomes an integral part of domestic legislation.

Following the initial study on the feasibility of signing and ratifying the Convention and on the compatibility of domestic legislation with its provisions, no additional analysis was found to be necessary. The principles that guarantee strict compliance with the provisions of the Convention are already enshrined in Cuba's substantive and procedural legislation. Moreover, existing administrative and political review and follow-up mechanisms ensure that the legislation is respected, that its principles are complied with and that the Committee's recommendations are followed up.

2. **The report indicates that new situations have necessitated additional amendments to the Family Code (para. 76). Please specify what these new situations are and what kinds of amendments are to be made.**

The current Family Code, promulgated on 14 February 1975, was a milestone in the development of the ethical and moral values of the Cuban family. Naturally, some 30 years later that legislation requires amendment in order to apply the knowledge gained from enforcing it over that period, and to incorporate into it legal institutions which social practice has shown to be warranted in our society, and which in many cases have provided solutions to real situations of deep human significance. The Cuban population has changed in that it has aged and the structure and functioning of families have altered.

Cuba is working to implement the National Action Plan for Follow-up of the Fourth World Conference on Women, which was approved by a Council of State decision on 7 April 1997. Paragraph 61 of the Plan, concerning family law, sets the goal of "Working to constantly improve family law to promote more harmonious, just and equitable relationships between family members".

Some of the main changes that will be made to the Family Code are:

(a) More appropriate language, focusing on a correct gender approach;

(b) Emphasis on more active participation of prosecutors in the more significant family matters which require greater protection;

(c) All issues related to domestic violence will be addressed with the aim of ensuring that it is regarded as one of the evils that destroy family relationships and that there is recourse to the Penal Code where appropriate;

(d) The first, second and third special provisions on private international family law will be taken out of the Civil Code and incorporated into the new draft, since they have a direct impact on the legal relationships among family members;

(e) With respect to proceedings for the termination of marriage, particularly divorce, the provisions concerning judicial divorce will be maintained. Notarial divorce, established by Decree-Law No. 154 of 1994, will be introduced into the body of the draft, but in the case of notarial divorce, parental rights may not be granted to only one parent;

(f) The rights and obligations inherent in parental rights and the custody of minors will be extended and will incorporate essential values for children's upbringing;

(g) In the case of parents who are declared absent or incapable, who have been temporarily or permanently deprived of their parental rights or who have died, the court may, at the request of the prosecutor or a person with a legitimate interest, regulate communication between a minor and the grandparents and other relatives up to the fourth degree of consanguinity;

(h) In the section on parent-child relationships, an important new chapter on assisted human reproduction is included;

(i) Three further sections are introduced on assistance to parents in special circumstances, assistance to elderly people and assistance to persons with disabilities. These sections formulate the basic principles for the relevant institutions, specifying the levels of responsibility of the family, society and the State in providing care for persons in those groups.

3. **The report points out that the Penal Code does not include a specific section on psychological and physical violence but that several articles deal with it and penalize it (para. 113). Please indicate whether there are any plans to adopt a specific law on violence against women, bearing in mind the Committee's general recommendation No. 19 on violence against women. If so, please provide detailed information on the proposed law, including the penalties it establishes.**

As indicated in the periodic report, the National Group for Prevention and Treatment of Violence in the Family, established in 1997 and coordinated by the Federation of Cuban Women, has assessed whether specific legislation on domestic violence would be appropriate. In so doing, the Group considered the opinions of Cuban experts on domestic violence and conducted a comparative analysis with relevant legislation elsewhere in Latin America and the Caribbean. According to the results of that research, while enacting specific legislation is currently not a necessity, the existing legislation does require improvement, particularly in terms of

the preventive approach. To that end, proposed amendments to the Family Code and the Penal Code have been drawn up; they include elements related to violence, which are in line with the spirit of general recommendation No. 19.

4. **According to the report, if the perpetrator is a relative of the victim, this fact is deemed to be an aggravating circumstance in considering penal responsibility and is only applied to offences against life and physical integrity and against the normal development of sexual relations, the family, children and youth (para. 123). Is this aggravating circumstance also applicable in cases of psychological and economic violence? Does the law address the issue of marital rape?**

The proposed amendments to the Penal Code include a provision whereby the existence of kinship between perpetrator and victim would be regarded as an aggravating circumstance in cases of psychological and economic violence.

With regard to marital rape, the current Penal Code contains a general and broad definition of the offence of rape. In accordance with Cuban doctrine and practice in the field of criminal law, the definition of rape includes acts committed by a husband against his wife, since the fact that a woman is married does not mean that she may be forced to engage in sexual relations. If the spouses have differing sexual needs or libidos, the unsatisfied party may file for divorce, but if he decides to impose his will by violent means, his actions will be regarded as rape and will be judged as such.

5. **The report states that a study is being done on the "advisability and possibility of drafting a legal norm, a law or a decree-law that would integrate concepts and treatment of domestic violence through a preventive and educational approach" (para. 259). Please provide further details on this draft and on the current status of the initiative.**

The project is still at the research stage; experts are being interviewed and a comparative study of legislation in Latin America and the Caribbean has been initiated. At present, the dialogue is ongoing and the preventive approach, which focuses on caring for victims and members of their families and on treating perpetrators, is being pursued and improved.

The National Group for Prevention and Treatment of Violence in the Family is working to strengthen the measures taken by State bodies and civil society to treat and prevent domestic violence outside the context of criminal law. Whether or not criminal law provides protection in the event of violence is immaterial in this regard; the important thing is to ensure that society as a whole gets involved, in a structured manner, in prevention and rehabilitation activities.

At present, during the research/action stage, efforts are under way to:

- Improve family and criminal laws; specific proposals in this regard have already been developed;
- Assess the effectiveness and efficiency of all existing legislation;
- Educate and train a staff of specialists, who will ensure that each case is dealt with individually; members of the judiciary; the National Revolutionary Police; employees of the Office of the State Procurator; and court officials;

- Raise public awareness of the issue by all available means (radio, television, the press, public debates within communities, incorporation of the issue into the university curriculum);

- Provide victims with specialized assistance.

6. In its recommendations in response to Cuba's fourth periodic report, the Committee expressed concern about the absence of laws against sexual harassment (A/55/38, part two, para. 263). Moreover, the report of the Special Rapporteur on violence against women indicates that "sexual harassment remains less defined and less well-known than sexual abuse and rape" and that it is hardly ever reported, since it is difficult to bring proof for lack of definition and because the victims feel ashamed or guilty (E/CN.4/2000/68/Add.2, para. 43). Cuba's report indicates that article 303 of Decree-Law No. 175 of 1997 introduced the category of sexual affront, which includes sexual harassment (para. 120). Please provide information on any measures taken to publicize and enforce that law and, in particular, on whether there are any plans to wage large-scale information campaigns, especially in academic institutions and workplaces.

The definition of sexual harassment, as contained in the Penal Code, has been publicized by the media as part of the legal knowledge that the population needs to have. Members of the National Union of Jurists of Cuba have addressed this issue at public meetings with workers and students and at the community level.

The Federation of Cuban Women has carried out substantive work in its specialized magazines and has held debates on this topic in various community settings. The communication guidelines relating to the preventive work undertaken by the Committee on Social Services and Prevention specifically mentioned sexual harassment as an issue to be discussed at meetings in 2006.

The communication strategy of the project for publicizing the rights of children and adolescents includes measures in three main areas, namely education, dissemination and publication, which are primarily designed to ensure that the relevant information is communicated to children, adolescents and young people in an enjoyable, open and enriching manner, thereby promoting discussion and the exchange of ideas.

With regard to the offence of sexual affront, which includes a comprehensive provision on sexual harassment, three points should be noted:

First, the offence of sexual affront referred to in article 303 of the Penal Code is one of the so-called "public offences". It is a criminal offence which can be reported not only by victims themselves or members of their families but also by the judicial authorities (judges, prosecutors and examining magistrates) or even by anyone who is aware of it.

Second, in Cuba, legislation (legal information) is systematically publicized, a practice that has been enhanced through the use of new technologies. In particular, Decree-Law No. 175, amending the Penal Code, has been and continues to be widely disseminated and discussed by all the mass media (radio, television and the press).

Third, the preceding paragraphs demonstrate that a link cannot be established between the increase or decrease in the number of cases of sexual affront and the

efforts undertaken to disseminate the relevant legislation. The rarity of sexual affront in modern Cuban society is attributable to the population's level of education, the significant cultural progress made and respect for the new standards of social coexistence.

N.B.: Owing to the overlap between the content of questions 7, 8 and 9, we deem it necessary to provide a consolidated response, so as to avoid repetition.

7. Are there any plans to raise the Federation of Cuban Women to ministerial status and to include it in the national budget?

8. Given that the Federation is a non-governmental organization, please provide more information on how it interacts with the Cabinet and how it plays its role of mainstreaming the gender perspective in the various national policies.

9. In relation to the National Action Plan and the 90 measures for adapting the areas of interest covered by the Beijing Platform for Action, the report indicates that progress has been made (para. 143). Please give more details on this progress and on the measures, their coverage in rural and urban areas and their effective implementation and oversight. What are the challenges facing the Plan and how will they be overcome? Also, please indicate where the Plan's funding comes from and which entity has ongoing responsibility for coordinating and supervising its implementation.

Policies concerning women are policies of the Cuban State and are embraced by all Cuban ministries and government entities.

A ministry of women is not needed, and Cuban women therefore have never sought the establishment of such a ministry.

There are also no plans to raise the Federation of Cuban Women (FMC) to ministerial status or to include it in the national budget. To do so would be entirely alien to the very essence of the organization. FMC is a grass-roots NGO, and in that capacity it enjoys consultative status with the Economic and Social Council of the United Nations.

The Federation of Cuban Women was formed in mid-1959 as an expression of the will of women and at their request, and was formally established in August 1960. Membership in the Federation is voluntary and is open to women once they reach 14 years of age. Its primary objective is to ensure gender equality.

FMC is self-supporting and obtains its financing from membership dues; revenue from its publishing house, Editorial de la Mujer; tuition for training courses offered by its 176 women's and family counselling centres and by the national training centre; and income from a small hotel and from the El Quitrín artisan enterprise established jointly with the United Nations Development Fund for Women (UNIFEM).

The Federation's more than 4,100,000 members come from all walks of life; they are housewives, workers, professionals in a multitude of fields, farmers, students, scientists and self-employed women. As members of over 75,000 grass-roots delegations throughout Cuba, these women participate without distinction as to religion, skin colour, sexual orientation or other characteristics.

In the 46 years since its establishment the Federation has garnered considerable prestige, recognition and respect within Cuban society. Because its activities are national in scope, ongoing, and reach women in many sectors, the organization has become the legitimate representative of women's interests and needs and the mandatory source of reference regarding women's issues for all stakeholders in Cuban society, governmental and non-governmental alike.

Leaders of the grass-roots organizations are elected democratically by direct and open ballot, and the organizations' work plans reflect the problems, interests, needs and capabilities of their members. Leaders of the municipal, provincial and national organizations are elected by direct and secret ballot in their respective assemblies or congresses, which are convened in accordance with schedules established in bylaws adopted by the congresses.

At such meetings, and at all levels, members periodically analyse the situation of women and the progress made towards gender equality, as well as obstacles and challenges, and agreements are reached on the work the Federation will undertake during the forthcoming period.

Political and government officials at every level regularly invite Federation members to discuss women's views and concerns with them and to help to seek solutions to their problems. FMC members also participate in assembly, plenary and congressional meetings at which all those issues are discussed.

The work strategies of FMC focus on education; health, in particular sexual health and reproductive health; preventive and social services; employment; services for female workers and rural women; the advancement of women; the image of women in the mass media; and many other subjects. On the basis of the strategies, the Federation develops annual and five-year plans, draws up agreements with some of the ministries involved, and conducts joint investigations or studies that are valuable catalysts for efforts on behalf of women.

FMC discusses with the relevant bodies issues raised by its member groups and seeks appropriate solutions. Given the Federation's permanent links with its grass-roots structures, through their leaders and its large corps of volunteer activists, the Federation stays abreast of women's views throughout Cuba.

The Federation strives systematically to raise awareness of and provide training on gender issues in all the provinces, reaching out beyond its own structures and influencing the population as a whole.

FMC also works with other non-governmental grass-roots and social organizations, including trade unions, rural cooperatives, student organizations and organizations of women professionals, including communicators, lawyers, artists and scientists.

For the reasons outlined above, the Federation has evolved from the de facto to the de jure source of reference on theory and methodology when it comes to incorporating the gender perspective in national policies. The Federation's stature in that regard is reflected in the decision of the Council of State of the Republic of Cuba concerning the National Action Plan for Follow-up of the Fourth World Conference on Women. As noted earlier, given the particular characteristics of Cuba, no ministry could discharge such broad functions. Accordingly, the

Federation is considered to be the national machinery for the advancement of women and has the trained human resources to perform that role.

As a result, some of its staff members and most experienced specialists are often invited to participate in Government delegations at events relating to women's issues.

The foundation for the current Action Plan was developed at a comprehensive seminar convened by the Council of State of the Republic of Cuba and FMC. In addition, two national follow-up assessments have been conducted thus far describing the accomplishments and challenges in various spheres and thus building upon the significant progress achieved by women over the course of previous decades. Although progress has been stable and gradual, deeply rooted cultural traditions present obstacles that must still be overcome.

The Action Plan is financed by the State budget. The strategies, policies and programmes of each ministry incorporate the gender perspective, and implementation of the Plan's 90 measures is mandatory in rural and urban areas alike.

The Action Plan indicates the entities responsible for each task and the dates by which each measure must be implemented. The fact that agencies are required to report directly to the Council of Ministers adds another layer of accountability.

Under the Constitution of the Republic FMC may present legislative initiatives but has no executive responsibilities or executive power within the Government. Even so, Federation congresses do in fact serve as a source of legislation.

The implementation of the Action Plan is evaluated in the directing councils of the agencies of central State administration and the strategy for the advancement of women is closely monitored and evaluated with the directing councils of those bodies in each territory.

In their capacity as counterparts, Federation personnel at various levels ask or are invited to participate in the work of the agencies of central State administration or other meetings in order to assess the implementation of the 90 measures contained in the Action Plan. They also routinely request information, studies and analyses of the situation of women, whether on a bilateral basis or in the course of participating in the work of the secretariats or at management meetings of the Federation.

Cuba still faces many challenges. However, as the Committee noted in its recommendations following its evaluation of Cuba's fourth report, the genocidal economic, commercial and financial embargo imposed on Cuba by successive United States administrations, as well as their aggression and plans for interference, are the primary obstacle to Cuba's development and, consequently, to the advancement of women. Nevertheless, Cuba, with its women at the forefront, will continue to move forward.

Additional challenges include raising awareness of gender issues throughout society; providing additional training to help spur the changes required to eliminate sexist stereotypes; finding ways to encourage family members to share household tasks, the care and rearing of children, and care for the elderly and infirm; and ensuring that more women have the opportunity to assume management responsibilities.

10. According to paragraph 78 of the report, the Civil Code (Law No. 59 of 16 July 1987) regulates the legal capacity of natural persons as subjects of legal relationships, and discrimination based on sex or any other factor, which offends human dignity, is not allowed. Have any legal proceedings been instituted to report, prosecute and penalize discrimination based on race, sexual orientation or other factors? If there are any other types of discrimination that affect women, please specify what they are and what penalties they carry.

The Cuban people have various options should they wish to lodge complaints and concerns. The agencies of central State administration and political, social and grass-roots organizations are required to respond and take action in such situations and reply to complainants. Individuals routinely take advantage of those procedures and resources. Accordingly, legal proceedings are not the usual recourse, although laws on civil, administrative and criminal procedure do address the legal steps that must be taken in order to assert a right or report a discriminatory act.

To cite only one example, in 2005 the public service offices of the Federation of Cuban Women handled 38,943 cases throughout Cuba. Women accounted for 86.6 per cent of the claims and men accounted for 13.9 per cent. Twenty-nine of the cases involved actual complaints, six involved discrimination, and all are being resolved. The remaining cases involved concerns, questions or complaints relating to housing conditions, family issues, health, and legal matters.

The Office of the State Procurator, working through the designated procurator's office, receives, investigates and responds within 60 days to accusations, complaints and claims lodged by citizens under the legal system pursuant to article 24 of Act No. 83 establishing the Office of the State Procurator.

The Office of the State Procurator is thus in a position effectively to monitor compliance with the Convention, since its functions ensure that the Office and the population provide one another with feedback on an ongoing basis and it has broad powers to institute proceedings and ensure due process when the rights of women are flouted. However, such claims are not very common. Rather, persons needing assistance most often are provided with information and advisory or preventive services.

Stereotypes and education

11. Please indicate what measures have been taken to publicize and enforce articles 83 and 85 of the Family Code, which, according to the report, are "aimed at putting an end to the sexual division of labour in the household, as that is one of the most important aspects of the culture and creates the most problems for women, owing to the burden of domestic chores it entails" (para. 74), as well as other measures to eliminate stereotypes within the household.

Given the important role of the media in providing information and knowledge and familiarizing society with new practices, many media communications campaigns have been conducted.

In 2004, 4,940 news reports on the subjects in question were televised and 5,127 articles appeared in the print media. Monitoring in 2005 revealed that the topic was referred to 4,845 times on television and 3,403 times in the print media.

Radio spots and scheduled programming on the issues are broadcast on a regular basis by national stations and on highly creative programmes broadcast by community-based stations.

Widely watched television dramas, including nationally produced serials, deal with the issues as well. Examples include the programmes *Al compás del son* and *Lo que me queda por vivir*, which were broadcast in 2005, and *La cara oculta de la luna*, which is currently on the air. The weekly programme *Cuando una mujer*, created by the Federation of Cuban Women, regularly addresses the issues.

In addition, the magazines *Mujeres* and *Muchacha* have published articles that are discussed within communities as well as at workplaces and educational centres with large concentrations of women as well as some men.

The issues are also addressed by specialized Internet publications such as *Revista Mujeres* (www.mujeres.cubaweb.cu) and *Mujeres del Siglo XXI* (www.prensalatina.org).

With regard to families, the community outreach programme *Educa a tu hijo* is becoming a venue for interactive communication in which a variety of family outreach activities are conducted, with particular attention to the roles played by family members.

Boys and girls begin their general schooling in a non-sexist environment where the principles of gender theory are presented in an age-appropriate manner. Resolution 90/98 of the Ministry of Education states that "Instruction in the civic values of honesty, industriousness, patriotism, equality and solidarity, among others, is enhanced when those values are a component of courses in all disciplines and are incorporated in extracurricular activities for families and society as a whole".

12. Have any studies been carried out to assess the impact of the various initiatives undertaken to eliminate stereotypes in the media, the family and the educational system? If so, please provide the results; if not, please indicate how the impact of these measures will be assessed.

Among other actions to help eliminate gender stereotyping in the media, the Federation of Cuban Women (FMC), the University of Havana, the department of gender and communication in the José Martí International Journalism Institute and the Centre for Women's Studies have provided training for 285 male and female communicators from all over the country in the past year.

One of the results is that the issue of equal rights and opportunities between men and women appears more frequently in the media, as noted in the previous response. This has encouraged research on gender equity within the media themselves, in order to measure the impact of media outputs. They include "*Juventud Rebelde*: A Sexist or Pluralist Newspaper?", "Discrimination against Women in Contemporary Music", "Proposed Theoretical Model for Print Media Messages with a Gender Perspective", and "Homes on the Verge of a Nervous Breakdown".

The television programme *Cuando una mujer*, focusing on gender equality issues, is the most popular socially oriented programme broadcast by the leading Cuban television network, with an audience share of 85 per cent.

Academic research on masculinity, such as that conducted by the Observatory for Masculinity, the evaluation of the Sex Education Project and research conducted and actions taken by the FMC Centre for Women's Studies, reveals changes at the family level, in particular the establishment of hybrid forms of masculinity in which, while stereotypes persist, new paradigms emerge with an increasingly participatory role for fathers.

These studies also show that society is increasingly more accepting of different kinds of families in which family roles have changed, giving rise to more democratic and inclusive relationships with flexible dynamics that conform to the realities of Cuban society. This process facilitates fuller participation by women.

13. The report states that by the end of 2002-2003, "3,581 students had dropped out of secondary school; of these ... 69.7 per cent were women" and that the main causes were "marriage, medical reasons and simply dropping out" (para. 361). It also states that measures have been taken to strengthen educational programmes (para. 362). What kinds of specific measures have been taken to prevent girl children and adolescents from dropping out of school, and what impact have they had? Please include more up-to-date information on school drop-out rates.

With regard to secondary school enrolment and drop-out rates, in the 2004-2005 school year, there were a total of 1,000,681 students enrolled and only 1,942 dropouts (0.09 per cent). Though the figure is extremely low, a number of educational activities aimed at male and female students and their families have been carried out in both schools and communities to boost school attendance.

Television spots have been broadcast and educational programmes implemented. There is a weekly television programme called *Haciendo caminos* which is designed to provide guidance to families and which deals systematically with truancy and dropping out.

In an effort to prevent dropping out, male and female teachers and FMC activists, volunteering in the schools as well as in the students' communities, conduct visits to the homes of children and young people who do not attend classes in order to address and help eliminate the reasons for that situation. Student organizations also undertake preventive action targeting male and female students who have dropped out of or who are often absent from school.

In addition, article 315 of the Penal Code prohibiting "other acts against normal development of a minor" is applicable to any person who has custody, guardianship or care of a minor and does not attend to or neglects his or her education (para. (a)). The penalty is harsher for any person who encourages a minor not to go to school or to refuse to do the educational work inherent in the national education system (para. (c)).

Violence against women

14. The report indicates that the National Group for Prevention and Treatment of Violence in the Family was created in 1997, and provides information on some of the initiatives launched (paras. 246-272). Have any impact assessment studies been done on these initiatives, and are there any plans to adopt and implement a national plan that would take a comprehensive approach to eliminating violence against women?

On 25 November 2005, coinciding with the International Day for the Elimination of Violence against Women, FMC, as coordinator, evaluated the work done by the National Group for Prevention and Treatment of Violence in the Family, together with representatives of the Group's permanent members, consisting of the 12 agencies, organizations and institutions most directly involved in the issue of violence in the family.

The evaluation identified achievements, difficulties and proposals, from which the 2006 plan was drafted. This plan continues to reflect the comprehensive, multisectoral and multidisciplinary approach that violence in the family requires. The plan is drafted yearly and involves the entire country; its tasks include training, education and prevention, service provision, research, legislation and outreach.

The following data on the number of cases reported to FMC can be found in the report of the Republic of Cuba:

	1998	*2001*	*2002*	*2005*
Violence — men against women	75	151	329	333
Violence — women against men	6	5	27	21
Violence — fathers against children	14	54	28	16
Violence — mothers against children	35	40	19	53
Total	**130**	**250**	**403**	**461**

There has been an increase in the number of people who have sought guidance or help in connection with violence, indicating increased detection and awareness. In addition, the grass-roots organizations of FMC monitor and attend to 16,410 people across the country, which is 2,744 more than last year.

15. The Special Rapporteur on violence against women, in her recommendations, urged the Federation of Cuban Women to "establish shelters for women victims of violence in all provinces" (E/CN.4/2000/68/Add.2, para. 103). Cuba's report refers to women's and family counselling centres (CEDAW/C/CUB/5-6, para. 255). Do these centres provide special care and rehabilitation services for women victims of violence? If not, what steps will be taken to implement the Special Rapporteur's recommendation?

In our view, the best way to protect women victims of violence is to isolate the aggressor, since otherwise there would be a double victimization upon separating the women and, in most cases, their children, from their familiar living environment and conditions, places of work or study, and relationships with family, neighbours and friends.

In addition, in Cuba women can obtain free legal, psychological, employment, educational, health and other guidance in community institutions as needed, as well as courses in high-demand trades and help in job placement. The protection of children and youth is a priority, which makes it possible for minors to continue in their schools and other age-appropriate activities. Women who are unemployed can also apply for social assistance until they find employment.

The women's and family counselling centres set up by FMC are staffed by professionals working in different disciplines, who provide specialized,

multidisciplinary and multisectoral counselling and carry out group activities with women victims of violence. The Federation's volunteer social workers ensure systematic follow-up and continuous care. FMC is also part of the community social service network for victims of family violence. Liaisons with the various components of society have been established as part of community working groups created in local governments across the country, in order to provide individualized, comprehensive services for each case.

There are also rehabilitation programmes for aggressors in specialized centres such as the community mental health centres in each municipality.

Proposed amendments to the current penal code include more measures for the protection of victims as well as the requirement, as part of the applicable penalty, that aggressors attend specialized rehabilitation and treatment.

In addition, other types of aggressor rehabilitation which do not necessarily involve criminal penalties will be improved. Also, a special family procedure will be implemented and special family law divisions will be established, where possible, in the People's Courts.

16. The report indicates that the national programme carried out by the Ministry of Public Health to prevent suicide and suicide attempts also deals with the issue of violence and that the rate among women has fallen significantly, from 20.9 per cent in 1980 to 8.1 per cent in 2002. What measures were implemented to achieve this reduction, and have any studies been done on the causes of the high suicide rate among women, which the Special Rapporteur on violence against women highlighted in her report (E/CN.4/2000/68/Add.2, para. 34)?

The National Suicide Prevention Programme analysis indicates that the suicide rate has fallen from 8.1 per 100,000 women in 2002 to 6.1 per 100,000 women in 2005; suicide rates among women are lower than the total rates. Suicide attempts among women have also decreased from 168.4 per 100,000 in 2002 to 144.6 per 100,000 in 2005.

Suicidal behaviour in Cuba is similar to that in the rest of the world, and is mainly found in the 65-74 and 75 and above age groups. Suicide does not appear among the top 10 causes of death among women.

National epidemiological research on suicidal behaviour is ongoing and includes actively seeking out any type of suicidal behaviour among the population. A questionnaire has been drafted to be filled out by people who have attempted suicide, by their family members if the attempt was successful and by the health-care personnel who responded to the event. Men and women who have attempted suicide are treated under in a protocol for comprehensive and continuous care coordinated by their community mental health centres.

Studies have found that the main predisposing factors in this behaviour among the elderly are the loss of a spouse or partner (widowhood), chronic disabling diseases, terminal illness and depression. Women tend to cope better than men, since they are more willing to accept help from support networks in their communities, particularly through local FMC structures and the women's and family counselling centres, and grandparents' centres as places for companionship, reflection and

counselling, which facilitate their integration into the community and make them feel they belong.

In terms of institutions, there are homes for the elderly which take in elderly persons who have little or no filial support, and grandparents' centres for the outpatient population, which provide adult day care that substitutes for family attention during working hours and where communities of interest in these age groups promote a pleasant social climate. Significantly more women than men are served by these institutions.

Community cafeterias, laundry services and, in many cases, State-subsidized non-family caregivers also help to provide comprehensive care for the elderly.

Since 1995 the National Suicide Prevention Programme has been part of the reorientation of psychiatry towards primary health care; its main characteristic is its stratified, community approach. Its goals are to:

- Promote healthy lifestyles in the population ;
- Prevent suicide and suicide attempts in at-risk groups and situations;
- Offer comprehensive, continuous care in the event of suicidal behaviour.

A number of activities have been carried out as part of the strategy:

- In an effort to promote healthy lifestyles in the general population, health education activities on suicidal behaviours are conducted in schools (coordinated by the Ministry of Education) and in communities (coordinated by grass-roots organizations), which encourage the active participation of the family. Alcoholic beverages are not served at these activities.
- Workshops were held for at-risk groups in specific communities, specialized personnel were trained to lead the activities, personalized attention was given to each family of a man or woman who had committed or attempted suicide, and links were forged with community members to support them.

Each person who has attempted suicide is also guaranteed one year of follow-up services by the mental health teams of the community centres. Health-care professionals are also required to report suicide attempts.

A brochure on the prevention and control of suicidal behaviour was published, including practical guides for the design and implementation of local programmes, and qualitative epidemiological studies were conducted to typify suicidal behaviours in selected territories.

17. Please indicate whether any research has been done or statistics compiled on legal proceedings instituted to report, prosecute and penalize violence against women or on assistance provided to women victims of violence.

There is a nationwide statistical monitoring system built on a primary database established from medical reports of violent sex offences, classified as rape, statutory rape and sexual abuse. This system goes hand in hand with a training programme for health-care professionals on the subject of violence and an educational programme for women, informing them of their rights and their responsibility for reporting acts of violence and seeking medical care if they are victims of such acts.

06-37940

As regards research on violence in general and domestic violence in particular, in the health sector a large number of end-of-residency studies have been devoted to this subject, mainly in the fields of psychiatry and forensic medicine, together with final submissions by first-degree graduates and theses for master's degrees and doctorates. There have also been publications on the subject resulting from research and including, for instance, frequent papers in the journal of the National Sex Education Centre (CENESEX).

18. Please indicate whether there are any plans to set up a central system for the collection of data on violence against women.

There is an automated national legal operating system with a rigorously maintained register of offences which includes data on victims and perpetrators, place where the incident occurred and geographical location. This is complemented by checks that are carried out by community working groups, with the participation in particular of FMC, in the context of preventive and social service initiatives.

Exploitation of prostitution and trafficking in women and girls

19. Sex tourism is a significant problem in a number of Latin American countries, particularly those with beaches, such as Cuba. This is a complex phenomenon that calls for strong preventive and punitive public policies. The report refers to penal legislation on pimping (CEDAW/C/CUB/5-6, para. 241). Please provide details on the preventive policies being implemented to address this phenomenon and to enforce the relevant laws.

Measures have been taken to prohibit all forms of sex tourism, and whenever there is evidence of wrongdoing in that regard on the part of officials, managers or workers in the tourism sector, strict administrative sanctions are applied, including a ban on working in that sector; in cases where an offence has been committed, the offending party is placed at the disposal of the courts.

Paragraph 2 (a) of the Penal Code in force provides for stronger penalties when the functions of the person so charged relate to the protection of public health, enforcement of law and order, education, tourism, youth leadership or efforts to combat prostitution and other forms of carnal trade.

In addition, contracts with foreign tour operators and travel agencies include regulations aimed at preventing any projection of the image of Cuban tourism as sex tourism. This is systematically monitored by overseas branches of the Ministry of Tourism and through departmental checks.

In all hotel and tourism facilities, measures are in place to prevent the practice of prostitution. Efforts are made through awareness-raising to arm workers with ethical and moral values that militate against all forms of sexual exploitation. These efforts are beginning to be stepped up as part of the training provided for tourism-sector personnel in the relevant specialized institutions and in various forms of on-the-job training.

Use of the image of women as sex objects is not allowed in promotional and advertising campaigns for tourism; as a matter of policy, family-oriented tourism is being developed. Accordingly, hotel fees are not charged for children under the age of 12; in addition, in hotels "boys' and girls' clubs" are being developed where children can be left in the care of specialized personnel.

20. Has any research been done on legal proceedings instituted to report, prosecute and penalize the exploitation of prostitution or on violence against sexually exploited women? What is the situation of girls and underage women in this regard?

Systematic and periodic analyses and evaluations are conducted in respect of prostitution and what it entails in terms of violence against women. A range of institutions are engaged in research on the different aspects of the phenomenon, including women's studies departments in universities and teacher training institutes, the National Sex Education Centre, women's and family counselling centres, the Youth Studies Centre and the Committee on Social Services and Prevention, among others.

It emerges from these studies that when cases arise they do so independently and that there are no related networks or other form of organization or association. When pimps are found to be involved they are prosecuted, as provided for in the Penal Code.

Statistics show that very few girls or underage women are affected. Differential treatment is provided for such cases: the Penal Code lays down very heavy penalties for adults who induce girls or underage women to engage in such practices.

21. In her report, the Special Rapporteur on violence against women "recommends the dismantling of the special rehabilitation centres set up for prostitutes as the centres violate their due process rights. Other mechanisms that do not violate the rights of the prostitutes would be more appropriate" (E/CN.4/2000/68/Add.2, para. 101). What steps have been taken in this regard?

As was fully explained to the Special Rapporteur during her visit to Cuba, prostitution does not constitute a criminal offence and for that reason no one in Cuba is punished for such behaviour.

There have been no plans to dismantle these centres as they serve the purposes of education, training and discussion. Young women with antisocial behaviour linked to prostitution are placed in rehabilitation centres in accordance with the legislation in force and with all the due process rights provided for by Cuban legislation on criminal procedure.

The programme of care in these centres includes involvement in work, programmes of study, the learning of trades, sports and cultural and recreational activities. The women are allowed to maintain links with their children and family. When they leave, they are guaranteed employment and/or the opportunity to continue their studies.

Title XI of the Penal Code defines risk status and security measures. The second section of chapter III, in particular, specifically lays down security measures to be taken prior to the commission of an offence.

Moreover, the Criminal Procedure Act (Law No. 5), in force since 18 August 1977 and amended a number of times, in this particular regard by Decree-Law No. 128 of 18 June 1991 on the procedure in the People's Municipal Courts for the application of security measures, lays down procedural rules, thereby guaranteeing the observance of due process rights and applicable laws in criminal proceedings.

The law provides that, in the discharge of their functions, the bodies responsible for implementing this special procedure must respect the principles of humanity, equality of the parties in the hearing, legality and other principles recognized by procedural rules and by many international legal instruments, which together constitute what is known as due process.

It follows that the various acts of the parties and of the judicial body are established objectively so as to guard against arbitrariness and ensure the rule of law.

The due process rights enjoyed by individuals subject to this kind of proceeding include the following:

- The right to a defence and to the holding of hearings with all the participants, since every person must be heard and defended, regardless of the procedure in question, taking into account that these are universally recognized principles and indeed are enshrined in the Constitution of the Republic of Cuba in its articles 58 and 59;
- The presentation of documentary evidence and the testimony of witnesses in public hearings;
- The case file must include all reports and statements relating to the conduct of the defendant, his/her declarations and personal data and official warnings issued against him/her;
- The right of appeal before the appropriate People's Provincial Court;
- The possibility that the Court may at any time replace the measure imposed with another, external measure linked to a place of study or work, under the responsibility of the officiating judge and civil-society organizations operating in the community.

22. Apart from the legislative provisions in place with respect to trafficking in persons (CEDAW/C/CUB/5-6, paras. 239, 243 and 244), what efforts have been made to determine the magnitude of such trafficking in Cuba and to take appropriate steps to enforce the relevant laws?

In the 10 years from 1996 to 2006, two reported cases were investigated. The persons responsible were sentenced to more than 20 years' imprisonment; the women victims were not criminally charged.

Trafficking is rare in Cuba, as shown by these figures.

Employment and economic life

23. Please indicate whether any oversight systems are in place to ensure that Law No. 234, "Working Women's Maternity Act", is observed throughout the country

Monitoring mechanisms are in place to ensure that Decree-Law No. 234, "Working Women's Maternity Act", is observed throughout the country.

The maternity benefits granted to working women are processed through the payroll of each enterprise and are chargeable to the social security budget adopted annually by the People's National Assembly. This budget is executed and monitored by the National Social Security Institute.

The mechanism used for this purpose consists in registering each case in the municipal branch offices, reviewing and correcting the maternity benefit payments made by enterprises to working women and reimbursing the enterprises out of the social security budget. Compliance with the provisions of the aforementioned Decree-Law is thus guaranteed.

Furthermore, the National Labour Inspection Office, a specialized organizational steering unit of the Labour Inspectorate in Cuba, attached to the Ministry of Labour and Social Security, is responsible for overseeing compliance with legislation on labour, worker safety and protection and social security and for applying the established penalties.

It has subordinate branches in each province and in the special municipality of Isla de la Juventud, thus enabling the Office to discharge its responsibilities throughout the national territory.

The following are subject to labour inspection: all labour entities based in the national territory with legal capacity to establish labour relations; the cooperative sector; international economic partnerships; wholly foreign-owned enterprises; branches and agents of foreign commercial enterprises; and representatives of other foreign entities, with the exception of diplomatic missions and international organizations. Also included are self-employed workers and other persons who do not work under the management of an employer.

The decree-law establishing shared maternity leave has similarly been followed up; as of 2005, 17 Cuban fathers had availed themselves of that right.

24. It is stated that the National Statistical Office is working to address the lack of information on wages disaggregated by sex (para. 453). Please indicate what progress has been made with respect to this initiative and whether there is a mechanism to monitor the effective implementation of article 40 of the Constitution, which refers to equal pay for equal work.

The National Statistical Office has conducted research that has enabled it to evaluate the statistical instrument used to measure the average wages of men and women in the country.

This study confirms that the legal right of women workers to equal pay for equal work has been observed.

It also notes that the gender parity index for wages, as currently estimated, is about 0.96; that is to say, for every 100 pesos earned by men, women on average earn 96 pesos, according to the samples analysed. This is explained by the difficulties which many women still have as a result of absenteeism from work, due to the fact that socially they still carry the greater part of the domestic burden.

It should also be noted that women benefited especially from the wage reforms that were implemented in 2005, given that the wage increases started in sectors with a high concentration of women workers, such as education and health.

With regard to the mechanism for monitoring the effective implementation of article 40 of the Constitution, there are other provisions and decisions that guarantee equal pay for equal work. The most recent are resolution No. 11/2005, raising the minimum wage for all occupational categories to 225 pesos per month, and resolution No. 30/2005, establishing a uniform wage scale for all occupational

categories. Thus, men and women in a given occupational group or category are paid the same, without sexual or any other type of discrimination.

These resolutions and all the legal instruments currently in force in this area are monitored through the National Labour Inspection System, which works through the National Labour Inspection Office and conducts inspections required by legislation on labour, worker safety and protection and social security.

25. The report indicates that personal loans are available to anyone who has a job (para. 622). What programmes are in place to provide unemployed people, especially women, with access to credit?

Under a resolution issued by the Minister-President of the National Bank of Cuba, different types of personal loans are available to anyone who has a job, as well as to men and women who are retired. The credit products in question include the following:

- **Cash loans**: To be used to meet family needs, purchase high-priced articles, etc;
- **Investment loans**: To build homes, pay for minor maintenance expenses and purchase construction materials;
- **Consumer loans**: To encourage the purchase of home appliances.

People who have no income or whose income is inadequate because of health problems that prevent them from working are automatically covered by the social assistance system.

An energy revolution is currently being implemented in Cuba. Over the past two years, the entire population has been encouraged to purchase energy-efficient appliances. In this context, the Bank has softened the terms for the extension of personal loans to everyone, including housewives and women who are receiving social assistance.

26. Are there any plans to establish microcredit programmes for women, especially rural women?

After the adoption in 1959 of the Agrarian Reform Act, thousands of rural men and women became landowners and were immediately granted low-interest loans to finance their production; they also received technical assistance and guaranteed markets and prices. These measures benefited both male and female farmers. It is an established principle that land can be neither seized nor used as collateral.

Individuals who are landowners or usufructuaries and who belong to a credit and service cooperative are entitled to apply for and receive credit once the relevant production and investment risk analyses have been completed. Repayment terms are mutually agreed with the Bank and may be renegotiated in the event of unexpected problems with production. These benefits are available to the 24,352 female members of credit and service cooperatives.

The State also provides members of agricultural production cooperatives, including 11,818 women, with material and technical assistance in the areas of production, marketing and social development. Collective loans are granted to the cooperatives to finance production and continue their development efforts, thus improving the living standards and quality of life of members' families.

Health

27. According to the report, the HIV/AIDS epidemic has spread, in particular among women who engage in prostitution (para. 497). A number of measures to address this problem are mentioned (para. 499). What impact have these measures had, and are there any plans to adopt a comprehensive HIV/AIDS eradication plan, with special programmes aimed at this group of women?

The rate of HIV/AIDS infection is rising slowly in Cuba. It is estimated that at the end of 2005, less than 0.1 per cent of the population between the ages of 15 and 49 was infected, the rate being higher among males (80.4 per cent). Women account for 19.6 per cent of the infected population; in this group, only 18 per cent stated that they had practised prostitution at some time in their lives.

Consequently, women who practise prostitution do not account for the increase in the infection rate.

Cuba has systematically expanded its HIV/AIDS prevention efforts. Technical and methodological leadership is provided by the National Centre for the Prevention of Sexually Transmitted Diseases and HIV/AIDS. At the grass-roots level, the Centre carries out activities targeting vulnerable groups in every province. In the case of programmes aimed at women, it works together with the Federation of Cuban Women (FMC), a grass-roots organization with a long history of work on health problems.

During the period 2003-2005, the educational strategy for vulnerable groups, including the small percentage of women who said they had practised prostitution at some point in their life, was strengthened. Efforts to deal with the epidemic cover the social, cultural, economic, geographic, labour, legal and gender aspects of the problem and involve all sectors and population groups.

The epidemiological situation has been broken down by strata, thus making it possible to identify those areas of the country that have the highest infection rates and to decide where information is needed. The services provided by the Health Promotion and Education Centres have had a significant impact.

The educational strategy includes training in social communication; face-to-face, telephone and anonymous counselling; research; marketing of condoms; and peer education, especially in schools and in the community.

Guidance and advisory services have been expanded. Thus, in addition to face-to-face counselling services in polyclinics throughout the 14 provinces and telephone counselling in 11 provinces, access to diagnostic testing has been expanded through nine anonymous counselling services.

With regard to primary health care, doctors and nurses specializing in family health are working with vulnerable groups. Persons whose sexual behaviour places them at risk are identified and referred to dispensaries where they receive information and advice on behaviour modification. This has helped to delay the age of initiation into sexual relations and to encourage the use of condoms. Voluntary diagnostic testing is available from the primary to the tertiary levels of health care.

The participation of high-risk groups is an important aspect of the strategy. Training as promoters and counsellors is offered to persons interested in working as volunteers with the rest of the population through specific projects that use peer-

education methodologies. Thus, activities are extended to other vulnerable groups, including women and men who practise prostitution.

In the context of social assistance programmes, a number of measures have been taken to provide priority care for HIV-positive pregnant women and children born of HIV-positive mothers. This includes full and free access to antiretroviral drugs and the interruption of breastfeeding.

Family relations

28. One of the Committee's recommendations in response to Cuba's fourth periodic report was "to monitor carefully the implementation of divorce by consent, and in particular any negative impact this option might have for women with regard to issues such as alimony payments, custody and maintenance of children and distribution of property" (A/55/38, part two, para. 268). What measures have been taken in this regard?

Divorce by consent is processed through a notary's office, and divorce for just cause is settled in the People's Municipal Courts. All disputes arising in the course of divorce proceedings, whether these have been initiated by consent or for just cause, are dealt with by the People's Municipal Courts as interlocutory matters.

In 2005, the Municipal Courts processed a total of 33,576 petitions for divorce on grounds of "just cause", as well as 685 post-divorce disputes relating to changes in custody arrangements, contacts between parents and children, and alimony. There were 566 cases involving the liquidation of community property.

In addition, the proposed amendments to the Family Code improve the institution of divorce, either by consent or for just cause. The proposals eliminate the option of granting parental authority to only one parent when a divorce is processed through a notary.